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09/917,186	07/27/2001	Christopher K. Shofner	SEA-18	9627

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EXAMINER
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WU, RUTAO

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,186

Applicant(s)

SHOFNER ET AL.

Examiner

Rutao Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/01 & 3/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 30 in section [0026]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "80" and "50" have both been used to designate mill. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11, 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 11 recites the limitation "the landed cost" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 12 depends from rejected claim 11 and includes all of the limitations of claim 11 thereby rendering this dependent claim indefinite.

7. Claim 29 recites the limitation "the landed cost" in line 2. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 30 depends from rejected claim 11 and includes all of the limitations of claim 11 thereby rendering this dependent claim indefinite.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 8, 10, 13-14, 18-22, 26, 28, 31-32, 36 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Pat No 5,805,452 to Anthony et al.

Anthony shows a system to control the process of ginning cotton that meets the limitations. See the specification portion of the patent.

Referring to claim 1:

a database storage device connected to a communications network for storing a database of bale identifications and associated fiber quality data; and  
a fiber quality measurement instrument located in a cotton gin for providing fiber quality data substantially concurrently with the making up of cotton into individual bales, and connected to said communications network for uploading to said database storage device.

Anthony states in his patent: a program storage device readable by a machine is provided (column 3, lines 34-35). A computer system that may communicate with other similarly configured computer systems or with a display via a network, such as an Ethernet local area network (column 9, lines 20-23). Tag data including name of the farmer, the variety of cotton, the farmer number, etc are transmitted via network from the gin computer to computer system. The kp\_f read and write procedures can be used to display and record the tag data. The kp\_f write procedure stores enough data to

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completely describe the current functioning of the system including the bale number (column 30, lines 19-34). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 2:

Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 3:

Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 4:

Where in said fiber quality measurement instrument measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 8:

wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 10:

Which further comprises at least one ginning process parameter measurement instrument located in the cotton gin, and wherein the database further stores associated ginning process parameter data.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53).

Referring to claim 13:

Wherein said fiber quality measurement instrument measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 14:

Where in said fiber quality measurement instrument measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 18:

wherein the at least one ginning process parameter measurement instrument measures one or more of critical temperatures, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 19:



employing a fiber quality measurement instrument located in a cotton gin to provide fiber quality data substantially concurrently with the making up of cotton into individual bales; and transmitting the fiber quality data via a communications network to a database storage device that stores a database of bale identifications and associated fiber quality data.

Anthony states in his patent: a program storage device readable by a machine is provided that stores predicted values for color, moisture content, and trash content for the cotton (column 3, lines 34-35). A computer system that can receive tag data (e.g. name of the farmer, variety of cotton, harvest date, etc) of seed cotton entering the gin via network from the gin computer (column 30, lines 20-23). Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 20:

which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for

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measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 21:

Wherein said step employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 22:

Where in said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 26:

Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of

seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

Referring to claim 28:

which further comprises employing at least one ginning process parameter measurement instrument located in the cotton gin to provide ginning process parameter data, and transmitting the ginning process parameter data via the communications network to the database storage device, the database storage device storing associated ginning process parameter data with bale identifications.

Anthony states in his patent: a control system that controls the processing of cotton through a gin to produce lint, and the control system includes measuring means for measuring sensor data that correspond to color, moisture, and trash content of the lint (column 4, lines 50-53). Also, procedures are provided for reading files on network for communication with other computers that are measuring parameters associated with the gin system (column 30, lines 13-15) and the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system (column 30, lines 24-26).

Referring to claim 31:

Wherein said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color and trash.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 32:

Where in said step of employing a fiber quality measurement instrument comprises employing an instrument that measures one or more of micronaire, length, strength, color, trash, moisture content, nep content, maturity, fineness and stickiness.

Anthony states in his patent: Three stations in a cotton gin equipped with electronic sensors that measures cotton moisture, color, and foreign matter [57].

Referring to claim 36:

Wherein the ginning process parameter data includes one or more of critical temperature, process throughput, number and type of seed cotton, number and type of lint cleaners, seed cotton moisture content, and lint moisture content.

Anthony states in his patent: the kp\_f\_ write procedure stores enough data to completely describe the current functioning of the system including: the temperature of each of the dryer, the position of each of the seed cotton and lint cleaners, the moisture

content of the cotton at several places in the gin, the color and trash level of the cotton being ginner, the ginning rate, etc (column 30, lines 24-32).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-7, 15-17, 23-25, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 6,484,149 to Jammes et al.

Anthony discloses in his patent electronic sensors that are able to determine numerous measurements of cotton fiber and the ability for the measured data be transmitted to a storage data device. Anthony does not disclose in his patent the ability for the electronic sensors to acquire images of the sample cotton fiber and transmit those images to the database.

Jammes discloses in his patent the ability for merchants to enter detail information about a new product by entering a value in the detail field. Merchants can also associate a picture of a product with the other information about the new product (column 40, lines 4-5 and 7-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electronic sensors of Anthony's invention to have the ability to take pictures of the cotton fiber as it

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is measuring data and transmit the images along with the data to the database storage device. One would be motivated to perform such modification to encourage buyers to purchase the products by showing them the images of the products.

13. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 5,063,507 to Lindsey et al.

Anthony discloses in his patent a system for material process control that includes a storage system to store certain identifications and associated fiber quality data. Anthony also discloses measurement sensors placed in gins that can provide fiber quality data without significant disruption to the ginning process. Anthony further discloses the ability of transmitting the fiber quality data collected by the measurement sensors via a communications network to a storage device for storage. Anthony however does not disclose a method for buyers to access the storage device to select bales of fiber according to selected values.

Lindsey discloses the ability to input information into a buyer's terminal, which information is indicative of a desire to look at bales available for sale. Also, in response to such a request, a menu appears on the buyer's terminal screen indicating information to input to complete a transaction for purchasing one or more bales of cotton (column 10, lines 4-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's system to include the ability for buyers to interrogate the database storage device to select bales of fiber according

to selected values. One would have motivation to perform such modification to facilitate the buyer's process of selecting wanted goods to complete the purchase.

14. Claims 11, 12, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No 5,805,452 to Anthony et al in view of U.S. Pat No 5,063,507 to Lindsey et al.

Anthony discloses in his patent a dynamic programming model that optimizes cotton producers' profits by selecting the amount of gin machinery necessary to achieve the most beneficial market value. Anthony does not disclose a method of calculating the purchase price of fiber in bales. Anthony also does not disclose what happens to the bales of cotton after it finishes the ginning process.

Lindsey discloses that after compressing cotton at the gin, the bales are transported to a warehouse for storage (column 4, lines 23-24). Buyers and sellers complete an order by agreeing on the sells of the bales of cotton and on a particular price. The buyer is then invoiced for the amount of the sale, plus any additional agreed upon costs (column 10, lines 65-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Anthony's invention to include a transporting and storing of bales of cotton fiber, and also providing the cost of bales of fiber to the buyer. One would be motivated to perform such modification to provide the pricing of bales of fiber that includes additional costs to the buyers to complete the purchasing process.

### ***Conclusion***

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15. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to cotton and fiber ginning and testing processes in general:

U.S. Pat No. 4,021,887 to Jackson.

U.S. Pat No. 5,892,142 to Hossein et al.

U.S. Pat No. 5,907,394 to Hossein et al.

U.S. Pat No. 5,943,907 to Hossein et al.

U.S. Pat No. 6,085,584 to Ramachandran et al.

The following patents are cited to further show the state of the art with respect to e-commerce transactions in general:

U.S. Pat No. 5,285,383 to Lindset et al.

U.S. Pat No. 6,512,919 to Ogasawara.

U.S. Pat No. 6,604,681 to Burke et al.

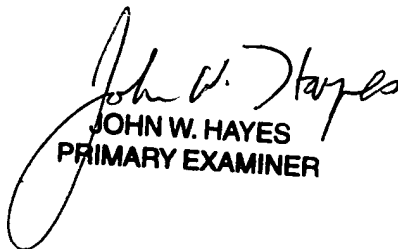


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN W. HAYES  
PRIMARY EXAMINER